

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: There is one Supplement to the Official Gazette Series: I No. 16 dated 16-7-98 namely, Supplement dated 16-7-98 from pages 145 to 146 regarding Notification from Department of Tourism.

GOVERNMENT OF GOA

Goa Legislature Secretariat

LA/B/3575/1998

The following Bill which was introduced in the Legislative Assembly of Goa on 9-7-98 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 10th July, 1998.

The Societies Registration (Goa Second Amendment) Bill, 1998

(Bill No. 14 of 1998)

A

BILL

to amend the Societies Registration Act, 1860, in its application to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Societies Registration (Goa Second Amendment) Act, 1998.

(2) It shall come into force at once.

2. *Insertion of new sections 3B and 3C.*— In the Societies Registration Act, 1860 (Central Act 21 of 1860) (hereinafter referred to as the 'principal Act'), after section 3A, the following sections shall be inserted, namely:—

“3B. *Renewal of certificate of registration.*— (1) Subject to the provisions of sub-section (2), a certificate of registration issued under section 3 shall remain in force for a period of five years from the date of issue:

Provided that a certificate of registration issued before the commencement of the Societies Registration (Goa Second Amendment) Act, 1998 (hereinafter in this section referred to as the “said Act”), shall remain in force for a period of one year from the date of such commencement.

(2) A society registered under section 3, whether before or after commencement of the said Act, shall, on application made to the Registrar on expiration of the period referred to in sub-section (1) and on payment of fees specified in sub-section (3), be entitled to have its certificate of registration renewed for five years, at a time:

Provided that in the case of a society registered before the commencement of the said Act, the Registrar shall refuse to renew the certificate of registration, if, after giving it an opportunity of showing cause against such refusal, he is satisfied that any of the grounds mentioned in section 4A exist in respect thereof.

(3) There shall be paid to the Registrar with every application for renewal of certificate of registration—

- a fee equal to the registration fee payable under section 3 or Rs. 100/-, whichever is less, if such application is filed within the period specified under sub-section (2);
- an additional fee of Rs. 25/-, if such application is filed within one month of the date of expiration of the period specified under sub-section (2);
- an additional fee at the rate of Rs. 5/- per month or part thereof, if such application is filed beyond one month of the expiration of the period specified under sub-section (2).

(4) Every application for renewal of certificate of registration shall be accompanied by the list of members of the managing body or governing body, as the case may be, elected after the registration of society or after renewal of certificate of registration and also the certificate sought to be renewed, unless dispensed with by the Registrar on the ground of its loss or destruction or any other sufficient cause.

(5) A society which fails to get the certificate of registration renewed in accordance with this section within one year from the expiration of the period for which the certificate was operative, shall become an unregistered society:

Provided that the Registrar may, for sufficient cause, allow the application for renewal for more than one year after the expiration of the period for which the certificate was operative, on payment of fees of Rs. 50/-.

(6) Where a certificate of registration is renewed in accordance with sub-section (2) or sub-section (4), such renewal shall operate from the date of expiration of the period for which the certificate was operative.

3C. *Reference to the Government.*— If any question arises whether any society is entitled to get itself registered in accordance with section 3 or to get its certificate of registration renewed in accordance with section 3B, the matter shall be referred to the Government, and the decision of the Government thereon shall be final.”

3. *Insertion of new sections 20A, 20B, 20C, 20D and 20E.*— After section 20 of the principal Act, the following sections shall be inserted, namely:—

“20A. *Investigation of affairs of society.* — (1) Where, on information received under section 4A or otherwise, or in circumstances referred to in section 12D, the Registrar is of the opinion that there is apprehension that the affairs of the society registered under this Act, are being so conducted as to defeat the objects of the society or that the society or its governing body, by whatever name called, or any officer thereof in actual effective control of the society is guilty of mismanaging its affairs or of any breach of fiduciary or other like obligations, the Registrar may, either himself or by any person appointed by him in that behalf, inspect or investigate into the affairs of the society or inspect any institution managed by the society.

(2) It shall be the duty of every officer of the society when so required by the Registrar or other person appointed under sub-section (1), to produce any books of accounts or other records of or relating to the society which are in his custody or to give him all assistance in connection with such inspection or investigation.

(3) The Registrar or other person appointed under sub-section (1) may, call upon and examine on oath any officer, member or employee of the society in relation to the affairs of the society and it shall be the duty of every officer, member or employee, when called upon, to appear before him for such examination.

(4) The Registrar or other person appointed under sub-section (1) may, if in his opinion it is necessary for the purpose of inspection or investigation, seize any or all the records including the accounts books of the society:

Provided that any person from whose custody such records are seized, shall be entitled to make such copies thereof, in the presence of the person having the custody of such records.

(5) On the conclusion of the inspection or investigation, as the case may be, the person, if any, appointed by the Registrar to investigate or inspect, shall make a report to the Registrar on the result of his inspection or investigation.

(6) The Registrar may, after such investigation or inspection, give such directions to the society or its governing body or any officer thereof, as he may think fit, for the removal of any defects or irregularities within such time as may be specified and in the event of default in taking action in accordance with such directions, the Registrar may proceed to take action under section 12D.

20B. *Penalty.*— If any person wilfully makes or causes to be made any false entry in, or any omission from, the list required by section 4 or in or from any statement of copy of rules or of alteration of rules sent to the Registrar or neglects or refuses to make its accounts or other documents available for audit as required by section 12D or wilfully fails to produce any book of account or other records as required by sub-section

(2) of section 20A or wilfully fails to appear before the Registrar or other person appointed by him or otherwise contravenes any of the provisions of sub-section (3) of section 20A, shall be punishable with fine which may extend to Rs. 2000/-.

20C. *Cognizance of offence.*— No court inferior to that of Magistrate of First Class, shall try any offence punishable under this Act, nor shall cognizance of any such offence be taken except on a complaint made by the Registrar or any other person authorised in writing by him, by general or special order in this behalf.

20D. *Power to compound offence.* — (1) The Government may, by notification in the Official Gazette, empower the Registrar or any officer authorised in this behalf, to accept from any person against whom a reasonable suspicion exists that he has committed any offence punishable under section 20B or against whom a prosecution under that section has been instituted, a sum of money by way of composition fee for the offence which such person is suspected or accused to have committed.

(2) On payment of such composition fee, the suspected person, if in custody, shall be discharged and no other proceedings shall be taken against him, and if prosecution against such person had been instituted, the composition shall have the effect of his acquittal.

20E. *Indemnity.* — No suit, prosecution or other legal proceedings shall lie in any court against the Government, the Registrar or against any person appointed for inspection or investigation under section 20A, for anything in good faith done or intended to be done under this Act or rules made thereunder.”

Statement of Objects and Reasons

It is noticed that certain lacunae exists in the Societies Registration Act, 1860 (Central Act 21 of 1860), in its application to the State of Goa, vis-a-vis registration of society, renewal of certificate of registration, conferring power on the Government relating to certain disputes of society with reference to renewal of registrations, investigation of the affairs of society, etc.

It is, therefore, proposed to amend the said Act, 1860, by inserting therein new sections 3B, 3C, 20A, 20B, 20C, 20D and 20E.

This Bill seeks to achieve the above objects.

Financial Memorandum

Financial implications are involved in this Bill due to the additional work, constant monitoring of the renewal/non-renewal of registration certificate of societies, etc., and hence creation of one post of LDC is required.

Proposed new sections 20A(2) and (4) relating to investigation of affairs of the society will involve expenses on inspection visits, fees/honorarium payable to person appointed for investigation and examination. Proposed new section 20C will involve expenses in Court proceedings and payment to Advocates appearing for the Government.

The amount of revenue that may be earned due to newly introduced fees in proposed section 3B(5) and by way of penalties under proposed section 20B cannot be estimated at this stage.

Memorandum Regarding Delegated Legislation

Section 20D(1) empowers the Government to, by notification in the Official Gazette, empower the Registrar or any officer authorised in this behalf, to accept from any person a sum of money by way of composition fee.

This delegation is of normal character.

Panaji,
3rd July, 1998.

DOMNICK FERNANDES
Minister for Law

Assembly Hall,
Panaji,
3rd July, 1998.

P. N. RIVANKAR
Secretary to the Legislative
Assembly of Goa.

Governor's recommendation under Article 207 of the Constitution:

In pursuance of Article 207 of the Constitution the Governor of Goa has recommended to the Legislative Assembly of Goa the introduction and consideration of the Societies Registration (Goa Second Amendment) Bill, 1998.

(ANNEXURE TO BILL No. 14 OF 1998)

The Societies Registration (Goa Second Amendment)
Bill, 1998

The Societies Registration Act, 1860
(Central Act 21 of 1860)

3. *Registration fees.* — Upon such memorandum and certify copy being filed, the Inspector-General shall subject to the provisions of section 3A, certify under his hand that the society is registered under this Act. There shall be paid to the Inspector-General for every such registration a fee of fifty rupees, or such smaller fee as the State Government may from time to time direct, and all fees so paid shall be accounted for to the State Government.

“3A. *Prohibition against registration of societies with undesirable names.* — No society shall be registered by a name which, in the opinion of the Inspector-General, is undesirable, being a name which is identical with, or which in the opinion of the Inspector-General so nearly resembles the name by which any other existing society has been previously registered as to be likely to deceive the public or members of either society, or which is being used without the previous permission of the Government concerned, and which suggests or is calculated to suggest the patronage of any Government or connection with any body constituted by any Government or local authority, or which may, subject to any rules made in this behalf, be deemed to be undesirable by the Inspector-General.

Provided that no order shall be passed under section 3A unless the party against whom such order is proposed to be passed is heard on the matter.”

20. *To what societies the Act shall apply.* — The following societies may be registered under this Act: Charitable societies, the military orphan funds or societies established at the several presidencies of India, societies established for the promotion of science, literature, or the fine arts, for instruction, the diffusion of useful knowledge, the diffusion of political education, the foundation or maintenance of libraries or reading rooms for general use among the members or open to the public, or public museums and galleries of paintings and other works of art, collections of natural history, mechanical and philosophical inventions, instruments or designs.

Assembly Hall,
Panaji,
6th July, 1998.

P. N. RIVANKAR
Secretary to the Legislative
Assembly of Goa.

Department of Personnel

Notification

1/1/89-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing Recruitment Rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Service, Group 'A' and Group 'B' Gazetted posts in Architectural Cell in the Public Works Department of the Government of Goa, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Architectural Cell, Public Works Department, Goa General Service Group 'A' and 'B' Gazetted posts Recruitment Rules, 1998.

(2) They shall apply to the posts specified in column 1 of the Schedule to these rules (hereinafter called as the “said Schedule”).

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scales of pay.*— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said posts, age limit, qualifications and others matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Goa Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission vide their letter No. COM/II/13/36(1)/98 dated 29-4-1998.

By order and in the name of the Governor of Goa.
S. S. Keshkamat, Joint Secretary (Personnel).

Panaji, 11th June, 1998.

SCHEDULE

Name/ /De- signation of post	Number of posts	Classifi- cation	Scale of pay	Whether selec- tion post or non- selec- tion post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pen- sion) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of proba- tion, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/ /transfer/ /contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/ /deputation/ transfer, grades from which promotion/ /deputation/ /transfer is to be made	If a D. P. C. exists, what is its composition	Circum- stances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Chief Architect.	One (1998) Subject to variation depend- ent on work- load.	Goa General Service Group 'A' Gazet- ted.	Rs. 12000- 375- 16500.	Selec- tion.	Not exceed- ing 45 years (Relaxable for Govern- ment ser- vants in ac- cordance with the in- structions or orders is- sued by the Govern- ment).	N. A.	<i>Essential:</i> (i) Degree in Architec- ture from a recognised Univer- sity or equivalent. (ii) 12 years professional experience. (iii) Should be registered with the Council of Architecture. (iv) Knowledge of Konkani. <i>Note:</i> In case of non-avail- ability of suitable candidate with the knowledge of Konkani, this re- quirement can be re- laxed. <i>Desirable:</i> Knowledge of Marathi.	Age: No. <i>Educational Qualifica- tions:</i> Yes (i) and (ii).	Two years.	By promotion failing which by transfer on depu- tation and failing both by direct re- cruitment. <i>Transfer on deputation:</i> Officers under the Central/State Go- vernments holding analogous posts or with 5 years regu- lar service in posts in the scale of Rs. 10000-15200 or equivalent and possessing educa- tional and other qualifications prescribed for direct recruits in column No. (7) (Period of deputation shall ordinarily not exceed 4 years).	<i>Promotion:</i> Architects with 5 years service in the grade rendered af- ter appointment thereto on a regu- lar basis. <i>Transfer on deputation:</i> Officers under the Central/State Go- vernments holding analogous posts or with 5 years regu- lar service in posts in the scale of Rs. 10000-15200 or equivalent and possessing educa- tional and other qualifications prescribed for direct recruits in column No. (7) (Period of deputation shall ordinarily not exceed 4 years).	Group 'A' D.P.C. consisting of:- (1) Chairman or Member of the Goa Public Service Commis- sion —Chair man. (2) Chief Secretary or his nominee — Member. (3) Adminis- trative Secretary/ /Head of	As required under the Goa Public Service Commission (Exemption from consulta- tion) Regula- tions, 1988. Consultation with the Goa Public Service Commission is necessary for making direct recruit- ment, promo- tion, confir- mation and selecting an officer for appointment by transfer on deputation and for amending/re- laxing any of the provisions under these rules.

Architect.	6 (1998) Subject to variation 'A' dependent on workload.	Goa General Service Group Gazetted.	Rs. 10000-325-15200.	Selection.	Not exceeding 40 years (Relaxable for Government servants by 5 years in accordance with the instructions issued by the Government).	N. A.	Essential.	Age: No. Educational Qualifications: Yes (i) and (ii).	One year for direct recruits.	(i) 50% by promotion failing which by transfer on deputation. (ii) 50% by transfer on deputation failing which by direct recruitment.	Promotion: Assistant Architect with 8 years regular service in the grade. Transfer on deputation: Officers under the Central/State Governments/Union Territories:- (a) (i) holding analogous posts on regular basis OR (ii) with 5 years regular service in posts in the scale of Rs. 8000-13500. OR (iii) with 8 years regular service in posts in the scale of Rs. 6500-10500 or equivalent and (b) possessing the educational qualifications and experience prescribed for direct recruits under column (7). (The departmental Officers in the feeder category who are in the direct line of promotion will not be eligible for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment	Group 'A' D.P.C. consisting of:- (1) Chairman/Member Goa Public Service Commission —Chairman. (2) Chief Secretary or his nominee —Member. (3) Administrative Secretary/Head of Department —Member.	As required under the Goa Public Service Commission (Exemption from consultation) Regulations, 1988. Consultation with the Goa Public Service Commission is necessary for making direct recruitment, promotion and confirmation and selecting an officer for appointment by transfer on deputation and for amending/relaxing any of the provisions under these rules.	
							(i) Degree in Architecture from a recognised University or equivalent. (ii) Should be registered with the Council of Architecture. (iii) 7 years' professional experience in Architecture. (iv) Knowledge of Konkani.			Note: In case of non-availability of suitable candidate with the knowledge of Konkani, this requirement can be relaxed. <i>Desirable:</i> Knowledge of Marathi.				

1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
											by promotion. Period of deputation including the period in another ex-cadre post held immediately preceding this appointment in the same organisation/Department shall ordinarily not exceed 3 years.		
Assistant Architect.	7 (1998) Subject to variation 'B' dependent on workload.	Goa General Service Group Gazetted.	Rs. 6500-200-10500.	Selection.	Not exceeding 35 years (Relaxable for Government servants by five years in accordance with the instructions issued by	N. A.	Essential:	Age: No. Educational Qualifications: No, but must possess at least Diploma in Architecture or equivalent from a recognised University or Institute and EQ (ii).	One year for direct recruits.	(i) 50% by promotion failing which by transfer on deputation. (ii) 50% by direct recruitment.	Promotion: Architectural Assistant with 3 years regular service in the grade. Transfer on deputation: Officers under the Central/State Governments/Union Territories administrations: (a) (i) holding analogous posts on regular basis OR (ii) with 3 years regular service in posts in the scale of Rs. 5500-9000 or equivalent and	Group 'B' D.P.C. consisting of:- (1) Chairman or Member of the Goa Public Service Commission —Chairman. (2) Chief Secretary or his nominee —Member. (3) Administrative Secretary/Head of	As required under the Goa Public Service Commission (Exemption from consultation) Regulations, 1988, consultation with the Goa Public Service Commission is necessary for making direct recruitment, promotion, confirmation and selecting an officer for appointment by transfer on deputation and for amending/relaxing any of the provisions
							Note: In case of non-availability of suitable candidate with the knowledge of Konkani, this requirement can be relaxed.						
							Desirable:	Knowledge of Marathi.					

- (b) possessing the educational qualifications and experience laid down for direct recruits under column No. (7). The department officers in the feeder category who are in the direct line of promotion will not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion. Period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same organisation/departments shall not ordinarily exceed 3 years).

1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Architectural Assistant	20 (1998) Subject to variation dependent on workload.	Goa General Service Group 'B' Gazetted.	Rs. 5500-175-9000.	Selection.	Not exceeding 35 years (Relaxable for Government servants by five years in accordance with the instructions or orders issued by the Government).	N. A.	Essential:	Not applicable.	Two years.	By direct recruitment.	Not applicable.	Group 'B' D.P.C. consisting of:-	As required under the Goa Public Service Commission (Exemption from consultation) Regulations, 1988. Consultation with the Goa Public Service Commission is necessary for making direct recruitment, confirmation and for amending/relaxing any of the provisions under these rules.
							(i) Degree in Architecture from a recognised University or equivalent.					(1) Chairman or Member Goa Public Service Commission —Chairman.	
							(ii) Should be registered with the Council of Architecture.					(2) Chief Secretary or his nominee —Member.	
							(iii) Knowledge of Konkani.					(3) Administrative Secretary/Head of Department —Member.	
							Note: In case of non-availability of suitable candidate with the knowledge of Konkani, this requirement can be relaxed.						
							Desirable:						
							Knowledge of Marathi.						